

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:22-cv-81813-LEIBOWITZ/REINHART

CITY COMMUNICATIONS, INC., *et al.*,

Plaintiffs,

v.

DAILYTEL, INC., *et al.*,

Defendants.

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

THIS MATTER was referred to United States Magistrate Judge Bruce E. Reinhart for a report and recommendation on the following motions: Defendants’ Motion to Dismiss with Prejudice and Motion to Strike [ECF No. 121] and Plaintiff’s Motion to Strike [ECF No. 136]. Judge Reinhart has since issued a report, recommending that the Court grant in part and deny in part Defendants’ Motion to Dismiss, deny Defendants’ Motion to Strike, and deny as moot Plaintiffs’ Motion to Strike. [ECF No. 139]. Plaintiffs and Defendants filed notices of no objections to Judge Reinhart’s report and recommendation. *See* [ECF Nos. 140 & 141]. After careful review of the filings, the applicable law, and the record, the Court adopts Judge Reinhart’s report and recommendation [ECF No. 139] in its entirety.

“In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 783 (11th Cir. 2006) (cleaned up). The objections must also present “supporting legal authority.” L. Mag. J.R. 4(b). Once a district court receives “objections meeting the specificity

requirement set out above,” it must “make a de novo determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” *Macort*, 208 F. App'x at 783–84 (cleaned up). To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up).


The parties have not submitted any objections to Judge Reinhart's report and recommendation. As such, the Court has reviewed the report and recommendation for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Reinhart's report is thorough, cogent, and compelling. The Court therefore adopts the report and recommendation in its entirety.

ORDERED AND ADJUDGED:

1. Magistrate Judge Reinhart's Report and Recommendation [ECF No. 139] is **AFFIRMED AND ADOPTED**.
2. Defendants' Motion to Dismiss [ECF No. 121] is **GRANTED IN PART and DENIED IN PART**. Defendants' request to dismiss for lack of personal jurisdiction over Defendants Shah, Junaid, and Zubair is **DENIED**. Defendants' request to dismiss on grounds of *forum non conveniens* is **DENIED**. Defendants' request to dismiss Counts I, II, III, V, and VI for failure to state a claim upon which relief can be granted is **DENIED**. Defendants' request to dismiss Count IV as a shotgun pleading is **GRANTED with leave to replead it as two separate counts**. Defendants' request to dismiss Count VII for failure to comply with Rule 9(b) is **GRANTED WITH PREJUDICE**. Defendant's request to dismiss Count VIII for failure to state a claim upon which relief can be granted is **GRANTED WITH PREJUDICE**.
3. Defendants' Motion to Strike [ECF No. 121] is **DENIED**.

4. Plaintiffs' Motion to Strike [ECF No. 136] is **DENIED AS MOOT**.
5. Plaintiffs shall file a Third Amended Complaint in accordance with Judge Reinhart's instructions **no later than July 8, 2024**. The Second Amended Complaint shall only be amended for the sole purpose of separating Count IV into two different counts.

DONE AND ORDERED in the Southern District of Florida on June 24, 2024.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record